

Wisconsin Department of Corrections Prison Rape Elimination Act 2019 Annual Report



DIVISION OF ADULT INSTITUTIONS
DIVISION OF JUVENILE CORRECTIONS



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Office of the Secretary
PREA Office

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State of Wisconsin
Department of Corrections

WISCONSIN DEPARTMENT OF CORRECTIONS

PREA: 2019 Annual Report

Division of Adult Institutions

Division of Juvenile Corrections

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INTRODUCTION

The State of Wisconsin is committed to preventing, detecting, and responding to sexual abuse and sexual harassment in confinement. The Wisconsin Department of Corrections (WI DOC or agency) has a zero tolerance policy for sexual abuse and sexual harassment in all of its confinement facilities. This report is an overview of agency and facility aggregated data, achievements, and corrective action as it pertains to the Prison Rape Elimination Act (PREA).

BACKGROUND

The Prison Rape Elimination Act was signed into law in 2003 after unanimous support from Congress. PREA was the first federal law to address sexual abuse in confinement facilities. The federal law created the National Prison Rape Elimination Commission and charged it with developing standards for the elimination of sexual abuse and sexual harassment of inmates and youth in confinement.

The federal PREA standards were published on June 20, 2012 and became effective on August 20, 2012. There are four sets of standards which provide direction for adult prisons and jails, lockups, juvenile facilities, and community confinement facilities. The prisons and jails standards apply to the agency's 36 adult facilities while the juvenile facilities standards apply to the agency's two youth facilities.

PURPOSE

The Prison Rape Elimination Act requires that each agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. The agency shall, then, aggregate the incident-based sexual abuse data at least annually and review it in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training. In addition to data pertaining to sexual abuse, WI DOC also compiles and publishes data pertaining to sexual harassment allegations.

This report is intended to:

- Identify any problem areas for the agency and facilities;
- Describe corrective action implemented by the agency and facilities;
- Compare the current year's sexual abuse and sexual harassment allegation data and corrective actions to the previous year; and
- Assess facility and agency progress in addressing sexual abuse and sexual harassment in confinement.

DEFINITIONS

CASE DISPOSITIONS

SUBSTANTIATED

An allegation that was investigated and determined to have occurred.

UNSUBSTANTIATED

An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

UNFOUNDED

An allegation that was investigated and determined not to have occurred.

SEXUAL ABUSE

OFFENDER¹ ON OFFENDER SEXUAL ABUSE

Sexual abuse of an offender by another offender includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- 1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- 2) Contact between the mouth and the penis, vulva, or anus;
- 3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- 4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

STAFF, CONTRACTOR, OR VOLUNTEER² ON OFFENDER SEXUAL ABUSE

Sexual abuse of an offender by a staff member includes any of the following acts, with or without consent of the offender:

- 1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- 2) Contact between the mouth and the penis, vulva, or anus;
- 3) Contact between the mouth and any body part where the staff member has the intent to abuse, arouse, or gratify sexual desire;
- 4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member has the intent to abuse, arouse, or gratify sexual desire;
- 5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member has the intent to abuse, arouse, or gratify sexual desire;
- 6) Any attempt, threat, or request by a staff member to engage in the activities described in paragraphs (1)-(5) of this section;
- 7) Any display by a staff member of his or her uncovered genitalia, buttocks, or breast in the presence of an offender; and
- 8) Voyeurism by a staff member.

Voyeurism by a staff member means an invasion of privacy of an offender by staff for reasons unrelated to official duties, such as peering at an offender who is using a toilet in their cell to perform bodily functions; requiring an offender to expose their buttocks, genitals, or breasts; or taking images of all or part of an offender's naked body or of an offender performing bodily functions.

SEXUAL HARASSMENT

OFFENDER ON OFFENDER SEXUAL HARASSMENT

Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one offender directed toward another.

STAFF ON OFFENDER SEXUAL HARASSMENT

Repeated verbal comments or gestures of a sexual nature to an offender by a staff member, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

AGENCY AND FACILITY ACHIEVEMENTS

HISTORICAL

The Wisconsin Department of Corrections has been working to prevent, detect, and respond to sexual abuse and sexual harassment in confinement for many years. Since 2007, WI DOC has employed a full time PREA director to coordinate and oversee the agency's implementation and compliance efforts. To complement this effort, each facility has a designated staff member who, in addition to their regular duties, is assigned as the PREA compliance manager and is responsible for facility-level compliance. Each facility also has a victim services coordinator who, in addition to their regular duties, is responsible for connecting victims to internal and external emotional support services and monitoring them for retaliation.

Training and technical assistance is fundamental to WI DOC and its PREA Office. For many years, WI DOC has educated staff, contractors, and volunteers as well as outside stakeholders, including sexual assault service providers, law enforcement, and prosecutors, on PREA and related policy application. The agency provides comprehensive PREA education to inmates and youth, which includes the distribution of a handbook detailing their rights, strategies to stay safe, a description of reporting methods, and support resources. Further, WI DOC has encouraged staff members to participate in the National PREA Resource Center Auditor Trainings; the agency has sponsored the attendance of 26 staff members since the training's inception.

The agency has created multiple methods for staff and offenders to report imminent harm and incidents of sexual abuse and sexual harassment; two of those methods include internal and external reporting hotlines. Following a report of sexual abuse, WI DOC has implemented coordinated response protocols, which includes maintaining evidence preservation kits, documenting in an integrated allegation and investigation tracking database, and

collaborating with outside sexual assault service providers to provide emotional support to victims. All protocols and procedures are consistent with the PREA standards. Each policy is rooted in an effort to prevent, detect, and respond to incidents of sexual abuse and sexual harassment and aligns with the agency's zero tolerance mission.

2019 ACHIEVEMENTS

In 2019, Wisconsin Department of Corrections continued to strengthen implementation and compliance efforts.

Agency accomplishments and corrective action during 2019 include:

- Hired a program and policy analyst (advanced) to strengthen compliance, training, and investigation efforts;
- Converted 4,500 paper investigative records to an electronic format;
- Processed at least 1,184 sexual abuse and sexual harassment hotline calls;
- Completed the development of the agency's sexual abuse and sexual harassment allegation and tracking database (i.e. SINC);
- Implemented SINC and trained users in all DOC facilities;
- Established an agency-level SINC Committee to guide future enhancements;
- Enhanced the inmate electronic medical record system to include a PREA-related note type for improved data collection and audit documentation;
- Updated posted inmate education materials to include updated report hotline dialing instructions;
- Trained 1,320 new employees, pre-service staff, youth counselors, agents, and health service staff;
- Held three specialized investigator trainings wherein 74 staff members were trained to investigate allegations of sexual abuse and sexual harassment;
- Extended targeted classroom training to Department of Workforce Development staff partnering with DOC;
- Hosted a PREA Compliance Manager workshop including a training facilitated by Wisconsin Coalition Against Sexual Assault;
- Published bi-annual *PREA PAGE* newsletters;
- Developed biennial refresher PREA training, which emphasized bystander intervention, professional courage, first responder duties, and policy updates;
- Received investigation-related technical assistance from the PREA Resource Center;
- Began developing a sexual abuse and sexual harassment investigation manual;
- Analyzed best practices for housing transgender inmates;
- Implemented a contract monitoring policy and procedure for community corrections contracted facilities;
- Recorded two compliance training modules for contracted facilities and posted to the agency's public website;
- Conducted compliance monitoring of county jails serving in a contracted capacity;
- Continued participation on county-based sexual assault response teams;
- Finalized and posted *PREA 2017 and 2018 Annual Reports*;
- Completed annual Bureau of Justice Statistics Survey of Sexual Victimization;
- Reviewed facility staffing plans, in consultation with PREA Director;
- Attended National PREA Coordinator meeting in New Mexico;
- Joined National PREA Coordinator Working Group;
- Accomplished all objectives of and closed a federal compliance grant awarded in 2014;
- Requested criminal investigation-related compliance from all law enforcement partners;
- Completed circular auditing consortium commitment with Maryland, Michigan, and Pennsylvania;
- Audited eight PA facilities and, in exchange, MD and MI audited four WI DOC facilities; and
- Procured the services of external US DOJ certified auditors who audited six WI DOC facilities.

Facility accomplishments and corrective action during 2019 include:

- Modified physical plant (i.e. windows, mirrored bubbles, office/bathroom structures) for greater visibility;
- Adapted showering areas (i.e. curtains, privacy film, remodeled physical structure) for greater privacy between inmates and to prevent cross-gender staff viewing;
- Opened or removed window coverings and/or doors from closets, offices, rooms, and hallways;
- Improved privacy, while balancing safety, in observation cells;
- Outfitted staff assigned to restrictive housing units with body worn cameras;
- Modified staffing patterns, traffic patterns, and movement schedules;
- Installed additional locking mechanisms on doors and outbuildings;

- Adjusted camera angles, increased video recording retention periods, and installed new cameras;
- Reviewed planned physical plant modifications/projects for compliance;
- Provided first responder refresher training and resources;
- Formalized relationships between the facility and sexual assault service provider (i.e. MOU);
- Collaborated with local sexual assault service provider to enhance partnership and support service delivery;
- Reassigned victim services coordinator responsibilities;
- Circulated cross-gender and transgender search procedure reminders;
- Reviewed opposite gender announcing expectations;
- Offered specialized investigation training booster sessions;
- Developed a tracking mechanism for contractor background checks and training;
- Strengthened inmate education procedures;
- Updated facility-specific information within inmate education and refreshed posted materials;
- Improved timeliness of risk screening;
- Developed a procedure to consider potential risk of victimization or abusiveness during work release placement screening process;
- Implemented a supervisory unannounced round logbook;
- Prioritized outstanding investigations and improved process to ensure future investigations are completed promptly;
- Requested and received targeted, facility-level SINC training from PREA Office;
- Created facility-level procedures for SINC workflow and documentation;
- Engaged staff in the audit preparation process by playing PREA Jeopardy;
- Updated facility-specific, PREA-related procedures; and
- Enhanced and reiterated respective coordinated response plans.

ANNUAL COMPARISON DATA

TOTAL ALLEGATIONS 2019 TO PREVIOUS YEAR³

The following tables display the changes in total allegations, total sexual abuse allegations, and total sexual harassment allegations, by disposition and division, from 2019 to previous year data.

CHANGES IN TOTAL ALLEGATIONS (2018 TO 2019)		
Disposition	DAI	DJC
Substantiated	+19	-6
Unsubstantiated	-3	+15
Unfounded	-12	-2
Ongoing ⁴	+14	0

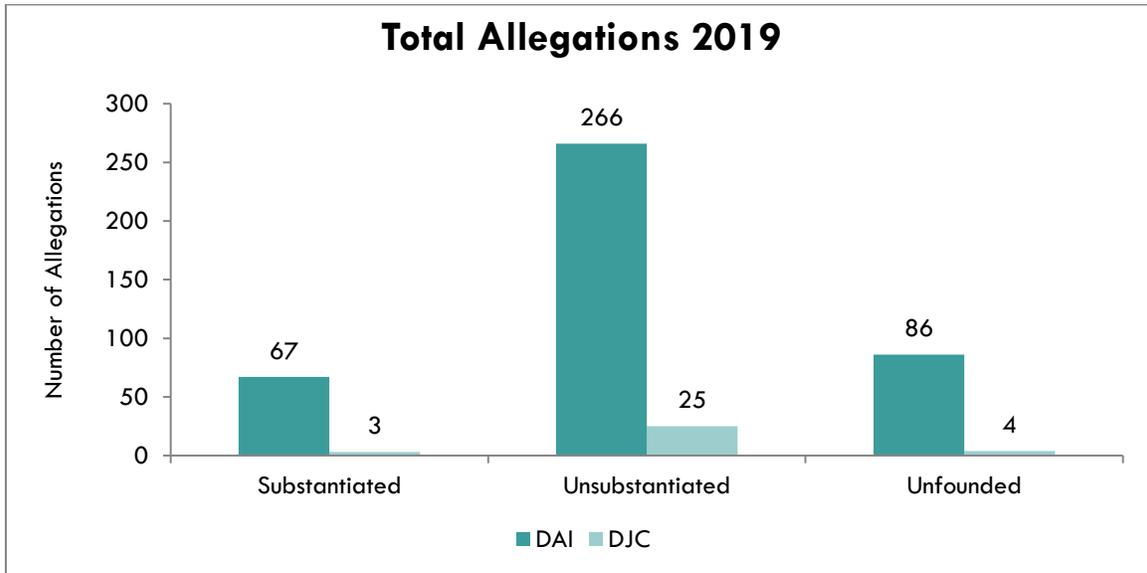
CHANGES IN SEXUAL ABUSE ALLEGATIONS (2018 TO 2019)		
Disposition	DAI	DJC
Substantiated	0	-4
Unsubstantiated	-1	+15
Unfounded	-15	+2
Ongoing ⁴	+7	0

CHANGES IN SEXUAL HARASSMENT ALLEGATIONS (2018 TO 2019)		
Disposition	DAI	DJC
Substantiated	+19	-2
Unsubstantiated	-2	0
Unfounded	+3	0
Ongoing ⁴	+7	0

2019 SEXUAL ABUSE AND SEXUAL HARASSMENT DATA

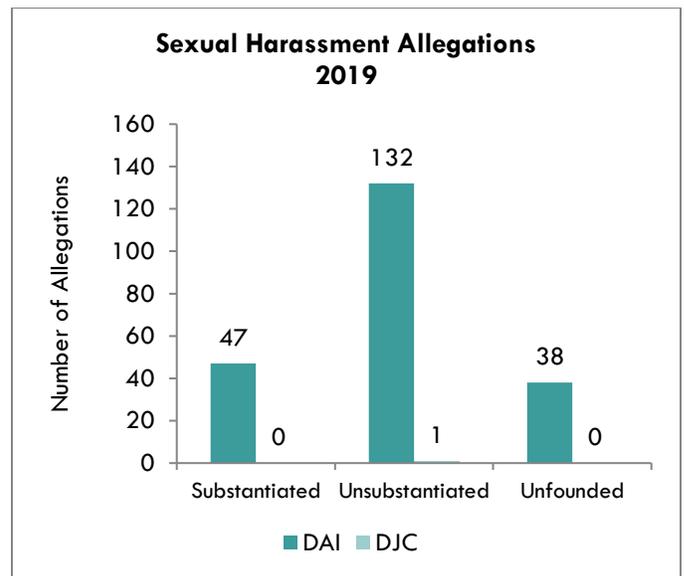
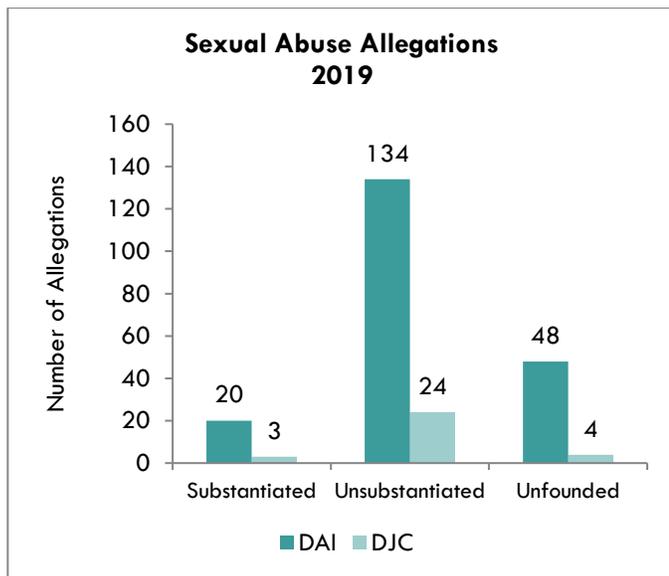
TOTAL 2019 ALLEGATIONS

In calendar year 2019 there were 465⁵ allegations of sexual abuse or sexual harassment reported, as defined under PREA, within Division of Adult Institutions (DAI) and Division of Juvenile Corrections (DJC). The total number of allegations by disposition are:



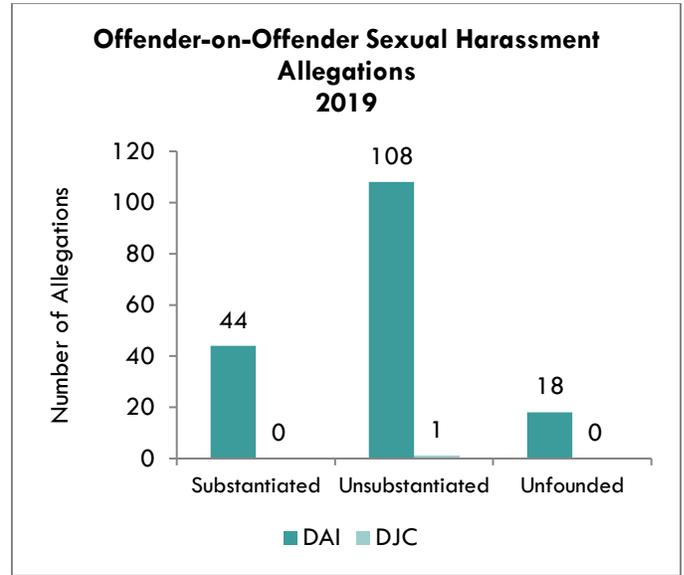
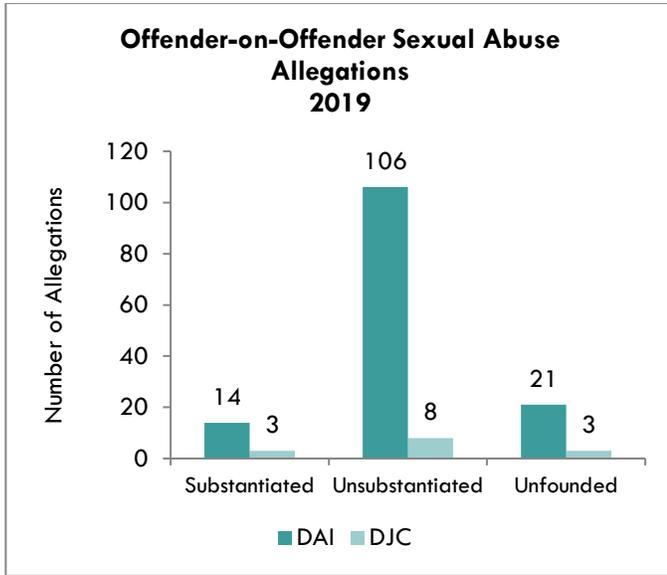
TOTAL SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS

The following two graphs illustrate the 465⁵ reported incidents of alleged sexual abuse and alleged sexual harassment, by disposition and division, in 2019.



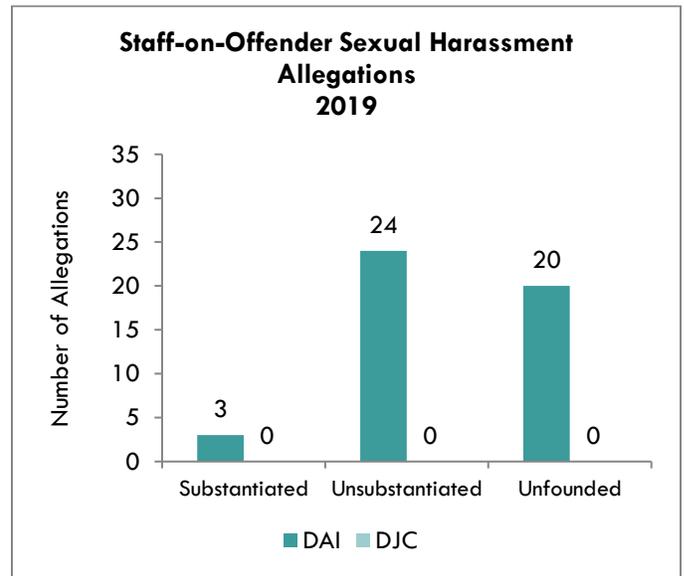
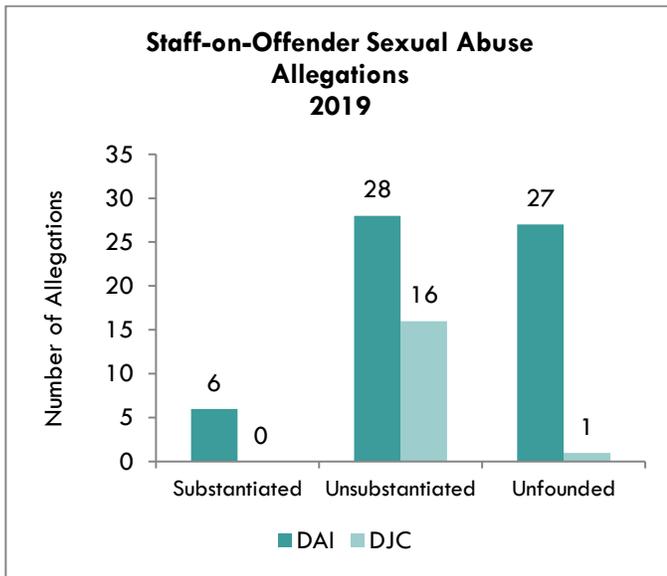
OFFENDER-ON-OFFENDER SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS

Of the 465⁵ allegations that were reported in 2019, 72% (335) were offender-on-offender incidents. The following two graphs illustrate the reported incidents of alleged offender-on-offender sexual abuse and alleged offender-on-offender sexual harassment, by disposition and division, in 2019.



STAFF-ON-OFFENDER SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS

Of the 465⁵ allegations that were reported in 2019, 28% (130) were staff-on-offender incidents. The following two graphs illustrate the reported incidents of alleged staff-on-offender sexual abuse and alleged staff-on-offender sexual harassment, by disposition and division, in 2019.



SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS BY FACILITY

The following two tables illustrate the reported incidents of alleged offender-on-offender and staff-on-offender sexual abuse and sexual harassment, by disposition and facility, in 2019.

2019 Total Offender-on-Offender Sexual Abuse and Sexual Harassment Allegations by Facility and Disposition				
Facility	Total	Substantiated	Unsubstantiated	Unfounded
Black River Correctional Center	0	0	0	0
Chippewa Valley Correctional Treatment Facility	12	5	6	1
Columbia Correctional Institution	15	0	13	2
Dodge Correctional Institution	22	1	21	0
Drug Abuse Correctional Center	1	1	0	0
Ethan Allen School ^{6,7}	0	0	0	0
Felmers O. Chaney Correctional Center	0	0	0	0
Flambeau Correctional Center	0	0	0	0
Fox Lake Correctional Institution	6	0	5	1
Gordon Correctional Center	1	0	1	0
Green Bay Correctional Institution	26	6	14	6
Grow Academy ⁶	0	0	0	0
Jackson Correctional Institution	14	4	9	1
John C. Burke Correctional Center	0	0	0	0
Kenosha Correctional Center	0	0	0	0
Kettle Moraine Correctional Institution	4	0	3	1
Lincoln Hills/Copper Lake School ⁶	15	3	9	3
Marshall E. Sherrer Correctional Center	0	0	0	0
McNaughton Correctional Center	0	0	0	0
Milwaukee Secure Detention Facility	6	2	3	1
Milwaukee Women's Correctional Center	0	0	0	0
New Lisbon Correctional Institution	19	3	13	3
Oakhill Correctional Institution	2	0	1	1
Oregon Correctional Center	0	0	0	0
Oshkosh Correctional Institution	66	20	39	7
Prairie du Chien Correctional Institution	2	1	0	1
Racine Correctional Institution/ Sturtevant Transitional Facility	10	1	9	0
Racine Youthful Offender Correctional Facility	6	0	5	1
Redgranite Correctional Institution	20	1	17	2
Robert E. Ellsworth Correctional Center	12	6	4	2
Sanger B. Powers Correctional Center	0	0	0	0
St. Croix Correctional Center	1	1	0	0
Stanley Correctional Institution	8	2	3	3
Taycheedah Correctional Institution	19	1	18	0
Thompson Correctional Center	0	0	0	0
Waupun Correctional Institution	25	0	22	3
Winnebago Correctional Center	0	0	0	0
Wisconsin Resource Center ⁸	6	1	3	2
Wisconsin Secure Program Facility	8	2	5	1
Total	326	61	223	42

2019 Total Staff-on-Offender Sexual Abuse and Sexual Harassment Allegations by Facility and Disposition				
Facility	Total	Substantiated	Unsubstantiated	Unfounded
Black River Correctional Center	0	0	0	0
Chippewa Valley Correctional Treatment Facility	3	1	1	1
Columbia Correctional Institution	5	0	4	1
Dodge Correctional Institution	3	1	1	1
Drug Abuse Correctional Center	2	1	0	1
Ethan Allen School ^{6,7}	12	0	12	0
Felmers O. Chaney Correctional Center	0	0	0	0
Flambeau Correctional Center	0	0	0	0
Fox Lake Correctional Institution	1	0	1	0
Gordon Correctional Center	0	0	0	0
Green Bay Correctional Institution	11	0	3	8
Grow Academy ⁶	0	0	0	0
Jackson Correctional Institution	3	0	2	1
John C. Burke Correctional Center	0	0	0	0
Kenosha Correctional Center	0	0	0	0
Kettle Moraine Correctional Institution	0	0	0	0
Lincoln Hills/Copper Lake School ⁶	5	0	4	1
Marshall E. Sherrer Correctional Center	0	0	0	0
McNaughton Correctional Center	0	0	0	0
Milwaukee Secure Detention Facility	6	1	5	0
Milwaukee Women's Correctional Center	0	0	0	0
New Lisbon Correctional Institution	1	0	0	1
Oakhill Correctional Institution	2	0	2	0
Oregon Correctional Center	0	0	0	0
Oshkosh Correctional Institution	4	2	1	1
Prairie du Chien Correctional Institution	0	0	0	0
Racine Correctional Institution/ Sturtevant Transitional Facility	6	0	2	4
Racine Youthful Offender Correctional Facility	3	0	3	0
Redgranite Correctional Institution	1	0	0	1
Robert E. Ellsworth Correctional Center	3	2	1	0
Sanger B. Powers Correctional Center	0	0	0	0
St. Croix Correctional Center	0	0	0	0
Stanley Correctional Institution	4	0	3	1
Taycheedah Correctional Institution	4	1	0	3
Thompson Correctional Center	0	0	0	0
Waupun Correctional Institution	35	0	19	16
Winnebago Correctional Center	0	0	0	0
Wisconsin Resource Center ⁸	6	0	3	3
Wisconsin Secure Program Facility	5	0	1	4
Total	125	9	68	48

CONTRACT FACILITY SEXUAL ABUSE AND SEXUAL HARASSMENT DATA

WI DOC contracts for the confinement of offenders who are in the custody of DAI and for offenders who are on community supervision. The following table illustrates the reported incidents of alleged offender-on-offender and staff-on-offender sexual abuse and sexual harassment, by disposition and contracted agency, in 2019.

2019 Total Sexual Abuse and Sexual Harassment Allegations by Contract Facility and Disposition				
Contract Facility	Total	Substantiated	Unsubstantiated	Unfounded
ARC Community Services	2	0	1	1
Attic Correctional Services	4	1	3	0
Dunn County Jail	2	2	0	0
Fond du Lac County Jail	8	1	0	7
Forest County Jail	0	0	0	0
Genesis	1	0	1	0
Jefferson County Jail	11	0	6	5
Joshua Glover Residential Reentry Center	3	1	1	1
Juneau County Jail	0	0	0	0
Lutheran Social Services	4	0	3	1
Milwaukee County House of Correction	20	3	7	10
Oneida County Jail	15	5	1	9
Ozaukee County Jail	3	0	1	2
Portage House	0	0	0	0
Racine County Jail	22	2	10	10
Rock Valley Community Programs	4	0	3	1
Ryan Community	0	0	0	0
Sauk County Jail	14	2	2	10
Vernon County Jail	0	0	0	0
Vilas County Jail	5	0	0	5
Winnebago County Jail	2	0	1	1
Total	120	17	40	63

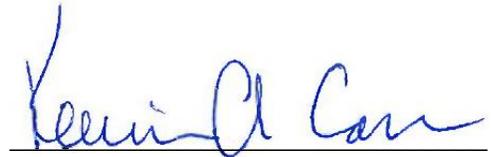
LOOKING FORWARD

In 2019, the Wisconsin Department of Corrections maximized the compliance-related momentum established in years past by identifying solutions for unmet standards and holding steady on others. The agency's summary of annual achievements serves as evidence of this effort. While agency- and facility-level compliance with each standard, as measured during the audit process, is a priority, WI DOC works every day to re-envision existing compliance strategies so as to create and sustain culture change; *that* is the gold standard.

Looking forward, in addition to maintaining existing practices, the agency will continue to refine compliance efforts in the following ways:

- Publishing a sexual abuse and sexual harassment investigation resource guide;
- Training additional sexual abuse and sexual harassment investigators;
- Enhancing SINC under the guidance of an agency-level workgroup and with consideration of investigation best practice, facility feedback, and agency business process;
- Aligning victim-centered practices with Marsy's Law;
- Analyzing a regional PREA compliance manager model;
- Joining the Western State or County circular auditing consortium;
- Hosting a PREA Compliance Workshop;
- Drafting and implementing a transgender placement policy; and
- Updating and creating additional policy where applicable.

These action items, in concert with the Wisconsin Department of Correction's commitment to zero tolerance, will improve our ability and institutionalize our mission to prevent, detect, and respond to sexual abuse and sexual harassment in our confinement facilities.



Kevin A. Carr
Secretary

Wisconsin Department of Corrections

¹ Inmates and youth are collectively referred to herein as "offenders," unless noted, at which time they will be referred to as inmate or youth. As an agency, WI DOC is moving away from the term "inmate," in favor of "person in our care," in an effort to dignify the humanity of confined people. This report continues to use "offender" and "inmate" to align with federal PREA legislation.

² Staff, contractors, and volunteers are referred to herein as "staff" or "staff members."

³ As a result of closing ongoing cases, please note, 2018 data (total and by disposition) referenced in this report (p. 6) is slightly different than the figures published in the preceding WI DOC Annual Report (2018).

⁴ Ongoing investigations at 2018 year-end have since been closed; these allegations were moved from the "Other" category and given a proper disposition.

⁵ Of the 465 reports of sexual abuse and sexual harassment received in 2019, 451 were investigated and disposed of at the time of this publication. The corresponding graphs and tables reflect closed, not ongoing, investigations.

⁶ Denotes a youth facility managed by WI DOC Division of Juvenile Corrections. The remaining facilities are adult facilities managed by WI DOC Division of Adult Institutions.

⁷ Ethan Allen School, operated by WI DOC, closed in 2011. Alleged incidents of sexual abuse or sexual harassment reflected in the table occurred while the facility was operational; the allegations were received and investigated in 2019.

⁸ Denotes an adult facility managed by Wisconsin Department of Health Services. This facility services WI DOC inmates and is, in part, staffed by WI DOC security staff.